

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ROBERT SANGO,

Plaintiff,

Case No. 2:15-CV-100

v.

HON. GORDON J. QUIST

TODD BASTIAN,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On January 25, 2016, Plaintiff filed a motion for summary judgment. In support of his motion, Plaintiff provided several declarations, including one from another inmate who stated that Defendant told him: “if I want to poison you I would do it on base in front of the camera like I did [Plaintiff].” Because Defendant failed to respond to Plaintiff’s motion, the Court issued an order to show cause why the Court should not grant Plaintiff’s motion for summary judgment. Defendant filed a response to that Order.

It appears that Plaintiff never served his motion for summary judgment on Defendant, as Defendant had not yet filed a waiver of service of the complaint when Plaintiff filed his motion. Although the Court could deny Plaintiff’s motion on those grounds, the Court will address the motion’s merits. Plaintiff has failed to provide sufficient evidence to meet his summary judgment burden at this point. Plaintiff provided the following pieces of evidence in support of his motion: (1) his own declaration, stating that he was sick in June 2015; and (2) a declaration from another inmate stating that, on some unspecified date, Defendant made reference to poisoning Plaintiff. There is no indication of when Defendant allegedly made that statement, or that there was any

connection to Plaintiff's illness. Under the circumstances, Plaintiff has failed to demonstrate that no reasonable factfinder could find for Defendant.

Therefore,

IT IS HEREBY ORDERED that Report and Recommendation issued on April 26, 2016 (ECF No. 27) is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (ECF No. 16) is **DENIED**.

IT IS FURTHER ORDERED that Defendant's Motion to Revoke Plaintiff's In Forma Pauperis Status (ECF No. 22) is **DENIED**.

Dated: July 14, 2016

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE